

## Department of Public Works

April 30, 2009

Municipal Permit Comments  
WA Department of Ecology  
Water Quality Program  
PO Box 47600  
Olympia, WA 98504-7600

Re: Comments on the March 18, 2009, Proposed Draft Phase II Western Washington Permit Modifications

Dear Ms. Susewind and Ms. Beale,

We appreciate the opportunity to provide comments and suggestions to the proposed draft Phase II permit modifications for the official public comment period. Staff has carefully reviewed the proposed draft and have discussed them with the West Sound Stormwater Managers Group. The following are submitted for your consideration.

### **ITEM 1: S5.C.4.a.i and S5.C.4.a.ii**

Page 9, Paragraph 1 of the Permit Modification Fact Sheet states that...

“Ecology deleted definitions for “equivalent document” (Phase I and Phase II Western Washington) and “equivalent manual” (Phase II Eastern Washington) because these terms are not used in the permits.”

While it is true that our Western Washington Phase II permit does not use the term “equivalent document” it does use the term “equivalent manual” (S5.C.4.a.ii).

Page 9, Paragraph 1 of the Permit Modification Fact Sheet states that...

“Ecology also deleted the definitions because they provide no additional information beyond what is stated in the body of each permit.”

S5.C.4.a.i and S5.C.4.a.ii of the permit states, “The Minimum Requirements, technical thresholds, and definitions in Appendix 1 or an equivalent approved by Ecology under the NPDES Phase I Municipal Stormwater Permit...” and “Permittees who choose to use the site planning process and BMP selection and design criteria in the *2005 Stormwater Management Manual for Western Washington*, or an equivalent manual approved by the Department under the Phase I Permit,....”.

A substitute document or manual produced by a local municipality, governed by the Phase II Permit was allowed by the original permit in the definition of “equivalent document”. That definition stated that an equivalent document “means a technical stormwater management manual developed by **a state agency, local government or other entity**...” and did not specify that this needed to be an equivalent approved by Ecology under the Phase I Permit.

Ecology should clarify that its intent is to continue to allow the use of an alternate manual even if the document is not reviewed or approved by Ecology.

**ITEM 2: Modified Annual Report # 36**

This reporting item stipulates “attached report” However S5.C.3.e requires only a summary. This may be perceived as two different levels of effort for the condition.

Ecology should amend #36 to be in keeping with S5.C.3.e.

**ITEM 3: Modified Annual Report # 57, 59, 60**

A clarifier (“qualifying projects”) has been added to these reporting items. Ecology should further clarify this term for municipalities that have more stringent regulations.

**ITEM 4: Modified Annual Report # 93**

In the requirement for a summary of identified barriers, the intent of the term “barriers” is not defined. Ecology should clarify PCHBs terminology.

**ITEM 5: S9.E.4.iii**

A portion of this permit modification requires metrics to identify, promote and measure Low Impact Development use. Ecology has already identified approved/acceptable LID practices by including them in the Western Washington Stormwater Management manual. Secondly, Ecology needs to develop the required metrics for municipalities to ensure consistency with the permit and promote standardization for permittees.

**ITEM 6: S9.E.4.ii and S9.E.4.iv**

In this condition, “Non structural” requires a definition.

Ecology needs to stipulate exactly which practices fall in a “non-structural action” category.

**ITEM 6: S5.C.a, mapping MS4**

The City’s concerns regarding the cost of complying with this permit are shared by most municipalities. Bainbridge Island is currently undergoing substantial financial stress and the permit requirements entail a substantial, additional resource and cost burden.

The mapping requirement is a nearly insurmountable task that requires dedication of now scarce human and financial resources. If Bainbridge Island was a county, the mapping task would include only the census-defined urbanized areas of the island. But, because Bainbridge’s municipal boundary includes the entire, 28 square-mile island, the permit requires mapping an area that is as large as many Phase I cities, and that is substantially larger than most Phase II cities.

Ecology should provide economic relief and promote quality in mapping product by extending the time for completing this requirement or by modifying the requirement to include mapping of only the urbanized area of Bainbridge Island and similar cities during this permit term.

Thank you for your consideration of these comments. If you have any questions on the above comments, please contact Melva Hill at (206) 780- 3724.

Sincerely,

City of Bainbridge Island

